

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA . MAGISTRATE JUDGE NO. 10-00863-MBB  
V. . BOSTON, MASSACHUSETTS  
LAWRENCE M. PERLMUTTER . FEBRUARY 4, 2010  
Defendant .  
. . . . .

TRANSCRIPT OF DETENTION HEARING  
BEFORE THE HONORABLE MARIANNE B. BOWLER  
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

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Court Reporter:

Proceedings recorded by electronic sound recording,  
transcript produced by transcription service.

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P R O C E E D I N G S

CASE CALLED INTO SESSION

THE CLERK: The Honorable Marianne B. Bowler presiding. Today is February 4, 2010. The case of United States v. Lawrence Perlmutter, Magistrate No. 10-863 will now be heard. Would counsel please identify themselves for the record.

MR. HAFER: Good afternoon, Your Honor, Zack Hafer for the government.

THE COURT: Thank you very much.

MR. GOLD: Good afternoon, Your Honor, Ian Gold for the defendant Lawrence Perlmutter.

THE COURT: Thank you. Well it's on for detention and probable cause. Are we going forward?

MR. HAFER: Your Honor, I think a couple of things. At this time based on the information the government has, while the government believes that it is conceivable there are conditions that the government can agree to and would therefore withdraw our application for detention, information in light of the interview with pretrial this morning, in light of other information with respect to Mr. Perlmutter's wife being from Brazil, recent foreign travel, some stuff we learned today conflicting with stuff we learned yesterday, it's the government's position that we need an additional continuance as we're entitled to under the statute. We agreed to a very quick

1 hearing today I thought as a courtesy and on the expectation  
2 that we would have information by which we could make a  
3 determination and fashion reasonable conditions that would  
4 ensure Your Honor and everyone else of appearance.

5 We have zero information, financial information and  
6 it's very, very hard for me to stand here this quickly and make  
7 a determination out of my mouth that can reasonably assure  
8 appearance when we don't have any information, none's been  
9 provided. There's been we learned today very recent travel to  
10 Brazil. There's extensive family, Mr. Perlmutter's wife in  
11 Brazil. And while the government - I do believe, Your Honor,  
12 at some point in the near future we can figure out what's going  
13 on and get more information and withdraw the application. We  
14 can do that perhaps by Monday. At this point where we are the  
15 government would seek a continuance until Monday as it's  
16 entitled to under the statute.

17 MR. GOLD: Well, Your Honor, I would submit that  
18 there was a continuance. It was granted. It was granted till  
19 today. Mr. Perlmutter is entitled to a hearing and what the  
20 government appears to be seeking is information which we have  
21 advised Mr. Perlmutter not to disclose. This is a case which  
22 involves allegations of financial impropriety. He has a Fifth  
23 Amendment Right not to incriminate himself. And the  
24 government's representations that they have no idea of anything  
25 about Mr. Perlmutter are simply not completely accurate.

1           We know that he is a BAR advocate. He's a member of  
2 the Bar in Massachusetts. He works representing indigent  
3 defendants for an hourly wage at, through the Committee for  
4 Public Counsel Services. That's what he does. Apparently what  
5 the government is seeking is simply statements about his  
6 financial condition which I don't think will be forthcoming.

7           Now, Mr. Perlmutter has been interviewed by pretrial  
8 services. They have suggested conditions which the Court may  
9 consider in considering Mr. Perlmutter's release. I have in  
10 court, the pretrial services suggested a \$50,000 bond to be  
11 cosigned by a cosigner. In the court today I have a member of  
12 the Bar also in Massachusetts, Michael Rubenstein who has been  
13 practicing for 25 years as an associate of Mr. Perlmutter's who  
14 is willing to cosign that bond on his behalf.

15           With respect to - Mr. Perlmutter's wife is Brazilian.  
16 She is in the country legally. They have been together--

17           THE COURT: Well, there seems to be some question  
18 about that so.

19           MR. GOLD: Well based on the - unless there is  
20 conflicting information of which we are not aware Immigration  
21 report, she reported to me and Immigration reported to pretrial  
22 services that she's on a Visa until August 31<sup>st</sup> of 2010. They  
23 also have a pending application for her to become a legal  
24 permanent resident. They have been together for 14 years.  
25 They have a 14-year-old daughter. Ms. Perlmutter is at home

1 with that daughter right now. I was on the phone with her  
2 earlier today. Now - and they were married legally in June of  
3 2008 and there is a citizenship application pending. Why the  
4 fact that she has ties to Brazil would make him a flight risk  
5 when he has a very well established life here. He has two  
6 children with a prior spouse in addition to his child with his  
7 current wife.

8 THE COURT: Well, you're making your argument. The  
9 bottom line is the government has a right to a continuance.  
10 They accommodated yesterday, said they would give you the day.  
11 If they want the three day continuance I'll give it to them. I  
12 need further information. Ms. Brown tells me that his wife  
13 would not surrender her passport as part of a condition of  
14 release, so I think you have to wait until Monday and see if  
15 you can put together a package.

16 So what do we have available on Monday, Mr. Duffy?

17 THE CLERK: Your Honor, Monday at 2:30 we'll be  
18 seeing co-defendant Cespedes and we could do it then.

19 THE COURT: All right. So it's continued until  
20 Monday, February the 8<sup>th</sup> at 2:30 for a detention and probable  
21 cause and if you can work out conditions go ahead.

22 MR. HAFER: We will certainly try, Your Honor.

23 THE COURT: All right. In the meantime the  
24 defendant's remanded to the custody of the agents present in  
25 the courtroom to be delivered to the United States Marshal.

## CERTIFICATION

I, Maryann V. Young, court approved transcriber, certify that the foregoing is a correct transcript from the official digital sound recording of the proceedings in the above-entitled matter.

/s/ Maryann V. Young

February 11, 2010

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